**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.GIRI**

**WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929**

**WP(C).No. 33604 of 2007(A)**
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**PETITIONER:**
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**RAJESWARI VARMA, ANJANAM, GANAPATHY TEMPLE ROAD, EDAPPALLY, KOCHI 682 024.**

**BY ADV. SRI.V.R.KESAVA KAIMAL**
**SRI.N.M.MADHU**

**RESPONDENT:**
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**FOOD CRAFT INSTITUTE, KALAMASSERY, ALUVA 683 104, REP. BY ITS SECRETARY.**

**BY ADV. SRI.K.GOPALAKRISHNA KURUP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**V.GIRI,J.**

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**W.P ( C) No. 33604 of 2007**

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**Dated this the 21st November, 2007**

**J U D G M E N T**

The petitioner is working as Part-time Demonstrator in Food Craft Institute since 2001. Exhibit-P8 notification was issued inter alia inviting applications to the post of Instructor. The maximum age limit for submitting an application to the post of Instructor as noted in Exhibit-P8 is 40. Other technical qualifications are also mentioned therein. Petitioner stated above, is already working in the respondent Institute as Demonstrator. Petitioner responded to Exhibit-P8. Apparently, nothing was heard thereafter. No proceedings were taken pursuant to Exhibit-P8. On 24.10.2007, a fresh notification was issued by the respondent for the post of Instructor. Certain changes were effected therein. The upper age limit was brought down to 35 years as on 1.1.2007 with usual relaxation to SC/ST and other backward communities. Unfortunately the petitioner is not in a position to respond to Exhibit P10. The petitioner has challenged Exhibit-P10 on the ground that it is apparently with a view to exclude the petitioner from consideration that Exhibit P10 has been issued.

2. On instructions, the learned counsel for the respondent Sri. Gopalakrishna Kurup submits that when Exhibit-P8 was issued, it was not made clear in the notification that the principles of communal reservation will be made applicable in the matter of selection to the post of Instructor. Therefore subsequent to Exhibit-P8 the Board of Directors took a decision on 10.8.2008 deciding to issue a fresh notification. It was also decided that the prescription regarding upper age limit made in relation to most of the posts in Government Service may be adopted in the case of the respondent. It is accordingly that fresh notification has been issued under Exhibit-P10. It is mentioned therein that SC/ST and other backward communities are eligible for reservation as stated thereunder.

3. After having heard the learned counsel on both sides, I am not in a position to detect any illegality in the procedure adopted by the respondent. It is true that the 2nd notification came to be issued apparently because the first notification did not contain a statement that the principles of communal reservation will be made applicable for the selection notified under Exhibit-P10. Apparently, if that is the only reason for a

fresh selection to be embarked upon,then there is no reason to bring down the upper age limit in relation to the post of Instructor. But if there is no illegality insofaras Exhibit-P10 is concerned, the mere fact that the respondent has adopted the upper age limit, which is adopted in the case of most of the posts in Government Service, cannot be treated as illegal. Secondly, the petitioner cannot claim any vested right on the basis of Exhibit-P8. I do not find any grounds to interfere with Exhibit-P10, nor do I find any illegality in the stand taken by the respondent.

The writ petition is bereft of merit and the same is therefore, dismissed.

**(V.GIRI, JUDGE)**

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**K.THANKAPPAN,J**

**CRL.A. NO.92 OF 1999**

**ORDER**

25th May, 2007